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8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

10  
11 DATA CAPITAL CORPORATION, a  
California Corporation,

12 Plaintiff,

13 v.

14 SAFEDesk SOLUTIONS, INC., an Oregon  
15 Corporation; PHIL AUTREY, an individual;  
DOES 1 through 25, inclusive,

16 Defendants.  
17

Case No. CV-08-00678 JW

**NOTICE OF SETTLEMENT**

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1 TO THE COURT IN THE ABOVE MATTER:

2 NOTICE IS HEREBY GIVEN that the foregoing case has been settled by and between  
3 Plaintiff Data Capital Corporation ("Data Capital") and defendants SafeDesk Solutions, Inc. and  
4 Phil Autrey (collectively, "defendants").

5 The parties' settlement conditions a dismissal of this entire action with prejudice upon the  
6 satisfactory completion of specified terms that are not to be fully performed until July 1, 2008.

7 Defendants believe, therefore, that Data Capital will file a dismissal on or before July 1, 2008.

8 In light of the parties' settlement, Defendants request that their pending motion to dismiss,  
9 currently scheduled for hearing on July 7, 2008, be taken off-calendar.

10 DATED: June 4, 2008

COBLENTZ, PATCH, DUFFY & BASS LLP

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13 By: /s/Clifford E. Yin

14 Clifford E. Yin

15 Attorneys for SafeDesk Solutions, Inc.  
16 and Phil Autrey  
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